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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,599	07/11/2003	Jean-Marie R. Dautelle	RTN-171AUS	2932
33164 7590 07/13/2007 RAYTHEON COMPANY C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP 354A TURNPIKE STREET SUITE 301A CANTON, MA 02021			EXAMINER BRIER, JEFFERY A	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/617,599	<b>Applicant(s)</b> DAUTELLE, JEAN-MARIE R.	
	<b>Examiner</b> Jeffery A. Brier	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/8/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 17, 19, 20, and 24-29 are is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 19, 20, and 24-29 are is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/2007 has been entered.

### ***Response to Amendment***

2. The amendment filed on 5/8/2007 has been entered. The amendments to the claims overcomes the rejection set forth in the office action mailed on 12/08/2006 based upon the Jazz article.

### ***Response to Arguments***

3. The amendments and arguments filed on 5/8/2007 are persuasive to overcome the rejection set forth in the office action mailed on 12/08/2006 based upon the Jazz article.

### ***Claim Objections***

4. Claim 25 is objected to because of the following informalities: at line 2 "is generates" is grammatically incorrect. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15, 17, 19, 20, and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

At lines 3 and 4 a “three-dimensional graphics card” is claimed and at lines 16, 16-17, and 22-23 a “three-dimensional graphics circuit module” is claimed. Thus, there seems to be two difference elements regarding “three-dimensional graphics”.

At lines 4 and 5 “at least two-dimensional scene graph commands” is claimed and at line 6 “at least one two-dimensional scene graph object command” is claimed and at line 8 “the at least one two-dimensional scene graph object command” is claimed. Differences between the language is underlined. At lines 3-5 an “application programming interface” is claimed and at lines 10-12 “generating two-dimensional scene graph data in accordance with the receiving the at least one two-dimensional scene graph object command”. Thus, a clear correlation between the step at lines 3-5 and the steps at lines 6-12 is missing.

At lines 16-17 “the central processing unit” lacks antecedent basis in the claim.

Claim 6:

At line 3 “the computer screen” lacks antecedent basis in the claim.

Dependent claims 2-7, 24, and 25:

These claims do not correct the issues present in their parent claims.

Claim 8:

At lines 26-27 “in accordance with the instructions for interpreting” is claimed which seems to be incorrect since the image is rendered in accordance with the results of the interpreting rather than the instructions.

This claim also has the same issues that claim 1 has which has been reproduced with changes to line numbers.

At lines 4 and 5 a “three-dimensional graphics card” is claimed and at lines 17, 18, and 23-24 a “three-dimensional graphics circuit module” is claimed. Thus, there seems to be two difference elements regarding “three-dimensional graphics”.

At lines 5 and 6 “at least two-dimensional scene graph commands” is claimed and at line 7 “at least one two-dimensional scene graph object command” is claimed and at line 9 “the at least one two-dimensional scene graph object command” is claimed. Differences between the language is underlined. At lines 4-6 an “application programming interface” is claimed and at lines 11-13 “generating two-dimensional scene graph data in accordance with the receiving the at least one two-dimensional scene graph object command”. Thus, a clear correlation between the step at lines 4-6 and the steps at lines 7-15 is missing.

At line 18 “the central processing unit” lacks antecedent basis in the claim.

Claim 13:

At line 3 “the computer screen” lacks antecedent basis in the claim.

Dependent claims 9-14, 26, and 27:

These claims do not correct the issues present in their parent claims.

Claim 15:

At line 15 a “three-dimensional graphics card” is claimed and at lines 18, 19, 22, 24, and 26 a “three-dimensional graphics circuit module” is claimed. Thus, there seems to be two difference elements regarding “three-dimensional graphics”.

At lines 29 and 30 “the at least one two-dimensional object stored in the local memory” lacks antecedent basis in the claim.

At line 23 “the two-dimensional scene graph” lacks antecedent basis in the claim.

Claim 17:

This claim depends upon cancelled claim 16, thus, “the system” and “the radar data” lacks antecedent basis in the claim.

Dependent claims 19, 20, 28, and 29:

These claims do not correct the issues present in their parent claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The article by Stéphane Conversy and Jean-Daniel Fekete, The svgI toolkit: enabling fast rendering of rich 2d graphics, January 2002, Technical Report 02/1/INFO, Ecole des Mines de Nantes, 11 pages.  
<http://www.lri.fr/~conversy/publications/emn2002.pdf>

teaches a program svgl that performs the functions of applicants claimed API. The article discusses converting with the svgl program a 2D scene graph into an OpenGL format and teaches in section 5.0 using a Nvidia GeForce2 GTS GPU. The claimed "two-dimensional scene graph data" supplied by svgl corresponds to a display list and it is stored at least temporarily in the local memory of the graphics card and clearly the local processor on the graphics card processes the stored "two-dimensional scene graph data", the article's display list. Sections 3.1, 4.11 Display Lists, 4.12, and 5.1 last paragraph discuss display lists but do not discuss where they are stored, however, it is known to store the display list in either or both CPU system memory and graphics processor local memory. In view of the use of a display list the article teaches the claimed "two-dimensional scene graph display command" in order to cause a display list to be processed by the Nvidia GPU.

The article at tomshardware by Thomas Pabst, NVIDIA Strikes Back - The GeForce2 Ultra 3D Monster, August 14, 2000 13:00, pages 1-6

[www.tomshardware.com/2000/08/14/nvidia\\_strikes\\_back\\_/index.html](http://www.tomshardware.com/2000/08/14/nvidia_strikes_back_/index.html)

describes the Nvidia GeForce2 GTS GPU as a 3D GPU and describes placing it on a graphics card that has local memory.

The article at PCWorld titled Hercules 3D Prophet II GTS 64MB For \$100 less, the 32MB version of this board is a better value, Thursday, August 03, 2000 12:00 AM PDT, pages 1-3 [www.pcworld.com/article/17608-1/article.html](http://www.pcworld.com/article/17608-1/article.html) describes the Nvidia GeForce2 GTS GPU as a 3D GPU and describes placing it on a graphics card that has local memory.

Einkauf et al., US Patent No. 5,977,983, teaches storing a display list in the local memory of a Graphics Subsystem at column 2 lines 9-13, column 7 lines 52-54, and column 9 lines 49-52.

8. A proper prior art analysis of the claims cannot be made because the metes and bounds of the claims are not definite and because the specification does not clarify the claims. Thus, a prior art rejection or an indication of allowability cannot be made with the currently pending claims. In re Steele, 305 F.2d 859,134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

9. However, it should be noted that the article by Stéphane Conversy and Jean-Daniel Fekete, The svg1 toolkit: enabling fast rendering of rich 2d graphics if not alone then, in view of Einkauf et al., US Patent No. 5,977,983, teaches storing the svg1 display list of the article in the Nvidia GeForce2 GTS GPU's local memory used in the article's test computer.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to



reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628